

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: OKABE, Hidetoshi)	Group Art Unit: N/A
)	
Filed: September 29, 2006)	Examiner: N/A
)	
Serial No.: 10/599,550)	Confirmation No.: 1617
)	
For: METHOD FOR EVALUATION OF THE)	
FUNCTIONAL STATUS OF THE GROWTH)	
FACTOR RECEPTOR PROTEIN EXPRESSED IN)	
MALIGNANT TUMORS)	

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed below and on the attached form PTO/SB/08B (substitute for form 1449/PTO) are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), as an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. Copies of the cited documents are attached.

English Language Non-Patent Documents:

PRICE-SCHIAVI et al., "RAT MUC4 (SIALOMUCIN COMPLEX) REDUCES BINDING OF ANTI-ERBB2 ANTIBODIES TO TUMOR CELL SURFACES, A POTENTIAL

MECHANISM FOR HERCEPTIN RESISTANT,” Int. J. Cancer, 99:783-791 (2002).
BARTLETT et al., “The clinical evaluation of HER-2 status: which test to use?” Journal of Pathology, 199:411-417 (2003)
RAMSAUER et al., “Muc4/Sialomucin Complex, the Intramembrane ErbB2 Ligand, Translocates ErbB2 to the Apical Surface in Polarized Epithelial Cells,” Journal of Biological Chemistry, 278(32): 30142-30147 (2003).
SLAMON et al., “Human Breast Cancer: Correlation of Relapse and Survival with Amplification of the HER-2/ <i>neu</i> Oncogene,” Science, 235: 177-182 (1987).
HYNES and STERN, “The biology of <i>erbB</i> -2/ <i>neu</i> /HER-2 and its role in cancer,” Biochimica et Biophysica Acta, 1198: 165-184 (1994).
DOUGALL et al., “The <i>neu</i> -oncogene: signal transduction pathways, transformation mechanisms and evolving therapies,” Oncogene, 9: 2109-2123 (1994).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning copies of the attached form PTO/SB/08B (substitute for form 1449/PTO) with initials or other appropriate marks, and that the references be made of record as cited references in the application.

This Information Disclosure Statement is being filed within three (3) months of the filing date of the above-identified application and before the mailing date of a first Office Action on the merits in the above-identified case. Therefore, it is believed that no fee is required in connection with the filing of this Information Disclosure Statement.

The Commissioner is hereby authorized to charge JHK Law’s Deposit Account No. **502486** for such fees required under 37 CFR §§ 1.16 and 1.17 and to credit any overpayment to said Deposit Account No. **502486**.

Respectfully submitted,

October 16, 2006
Date

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